

The Gazette of India



PUBLISHED BY AUTHORITY

No. 43] NEW DELHI, SATURDAY, OCTOBER 24, 1959/KARTIKA 2, 1881

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 17th October, 1959 :—

| Issue No. | No. and date | Issued by | Subject |
|-----------|--------------------------------------|---|---|
| 144 | S.O. 2231, dated 8th October, 1959. | Ministry of Information and Broadcasting. | Approval of films specified therein. |
| 145 | S.O. 2232, dated 12th October, 1959. | Ministry of Steel, Mines and Fuel. | Amendment to S.O. No. 2249 published in Gazette of India, Part II-3 (ii), dated 1st November, 1958. |
| | S.O. 2233, dated 12th October, 1959. | Do. | Amendment to S.O. No. 623, published in Gazette of India, Part II-3(ii), dated 21st March, 1959. |
| 146 | S.O. 2234, dated 12th October, 1959. | Ministry of Law | Declaration containing the name of the candidate elected by the members of the Bihar Legislative Assembly to fill the vacancy in the Council of States. |
| 147 | S.O. 2235, dated 13th October, 1959. | Ministry of Commerce and Industry. | Specification of restriction to renounce the shares of the Jessop & Co. Ltd., Calcutta. |
| 148 | S.O. 2302, dated 14th October, 1959. | Ministry of Steel, Mines and Fuel. | Appointing the 15th October, 1959 on which the Oil and Natural Gas Commission Act, 1959, shall come into force. |
| | S.O. 2303, dated 14th October, 1959. | Do. | Appointing the 15th October, 1959 on which the Oil and Natural Gas Commission shall be established. |
| | S.O. 2304, dated 14th October, 1959. | Do. | Appointment of certain persons with reference to S.O. No. 2303, dated 14th October, 1959. |

| Issue No. | No. and date | Issued by | Subject |
|-----------|--------------------------------------|---|--|
| 149 | S.O. 2305, dated 14th October, 1959. | Ministry of Transport and Communications. | Cancellation of S.O. 2186, dated 1st October, 1959. |
| 150 | S.O. 2306, dated 15th October, 1959. | Ministry of Scientific Research and Cultural Affairs. | The Ancient Monuments and Archaeological Sites and Remains Rules, 1959. |
| | S.O. 2307, dated 15th October, 1959. | Do. | Appointment of date on which the Ancient Monuments and Archaeological Sites and Remains Act, 1958 shall come into force. |
| 151 | S.O. 2308, dated 17th October, 1959. | Do. | Amendment in the International Copyright Order, 1958. |

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—SECTION 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

MINISTRY OF HOME AFFAIRS

New Delhi, the 15th October 1959

S.O. 2310.—In pursuance of clause (b) of rule 2 of the Citizenship Rules, 1956, the Central Government hereby makes the following amendment to the Schedule annexed to the notification of the Government of India in the Ministry of Home Affairs No. 10/7/56-I.C., dated the 22nd June, 1957, published as S.R.O. 2097 at page 1344 of the Gazette of India, Part II, Section 3, dated the 29th June, 1957, namely:—

In the said Schedule for items 2, 6, 7 and 10 and the entries against them in columns 1 and 2, the following shall be substituted, namely:—

| | |
|--|------------------------------|
| 2. Additional Sub-Divisional Officer, Sonamura. | Sonamura Sub-Division. |
| 6. Additional Sub-Divisional Officer, Amarpur. | Amarpur "Sub-Division." |
| 7. Additional Sub-Divisional Officer, Dharmanagar. | Dharmanagar Sub-Division. |
| 10. Additional Sub-Divisional Officer, Kamalpur. | Kamalpur Sub-Division. |

[No. 10/9/59-I.C.]

FATEH SINGH, Jt. Secy.

New Delhi, the 19th October 1959

S.O. 2311.—In exercise of the powers conferred by entry 3(b) of the table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Princess S. S. Padma Raje Kadam Bande, sister of the

Maharaja of Kolhapur, for the purposes of that entry and directs that the exemption shall be valid in respect of 1 gun/rifle and 1 pistol/revolver.

[No. 16/13/59-P.IV.]

New Delhi, the 20th October 1959

S.O. 2312.—In exercise of the powers conferred by section 3 read with section 5 of the Poisons Act, 1919 (12 of 1919), the Central Government hereby rescinds the Ministry of Home Affairs' notification No. S.O. 1633 dated the 8th August 1958.

[No. 28/2/58-Police IV.]

C. P. S. MENON, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi—3, the 28th September 1959

S.O. 2313.—In pursuance of sub-sections (3) and (5) of Section 11 of the Port Haj Committees Act, 1932, the election at a meeting of the Port Haj Committee held on the 29th August, 1959 of Captain M. A. Golandaz, M.L.A. as Chairman of the Port Haj Committee, Bombay is hereby approved and notified.

[No. 18(9)-IAT/59.]

P. N. KAUL, Dy. Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 14th October 1959

S.O. 2314.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958, namely:—

Amendment No. 13

In Schedule I to the Rules, on page 7 under “E—Ministry of Finance (Revenue Department)”, the existing item 8 “Director of Revenue Intelligence, New Delhi” as inserted by Amendment No. 3 [Notification No. 12(67)-E.II(A)/59, dated the 2nd September, 1959] may be substituted as follows:—

“8. Deputy Director of Revenue Intelligence, New Delhi.”

(This amendment takes effect from the 22nd July, 1959.)

[No. F. 12(67)-E.II(A)/59.]

New Delhi, the 16th October 1959

S.O. 2315.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958, namely:—

Amendment No. 14

In Schedule I to the Rules, on page 7 under “E—Ministry of Finance (Revenue Department)”, item 4, insert a comma after the word “Patna” and substitute the existing words “and Shillong” by the words “Shillong and Poona”.

(This amendment takes effect from the 10th August, 1959.)

[No. F. 12(67)-E.II(A)/59.]

New Delhi, the 17th October 1959

S.O. 2316.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958, namely:—

Amendment No. 15

In Schedule I to the Rules, on page 7 under 'C-Ministry of External Affairs' insert the following:—

"5. Commissioner, Naga Hills Tuensang Area."

(This amendment takes effect from the 13th August, 1959).

[No. F. 12(67)-E.II(A)/59/1.]

S.O. 2317.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958, namely:—

Amendment No. 16

In Schedule I to the Rules, on page 7 after 'A-Ministry of Commerce & Industry' insert the following:—

"AA-Ministry of Community Development & Co-operation (Department of Community Development).

1. Principal, Central Institute of Study & Research in Community Development, Mussorie."

(This amendment takes effect from 26th September, 1959).

[No. F. 12(67)-E.II(A)/59/2.]

S.O. 2318.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958, namely:—

Amendment No. 17

In Schedule I to the Rules, on page 10, after the sub-head "X-Andaman & Nicobar Islands Administration" insert the following:—

"Y-Prime Minister's Secretariat.

1. Director General, Hospitality Organisation."

(This amendment takes effect from 20th December, 1958).

[No. F. 12(67)-E.II(A)/59/3.]

R. R. SAVOOR, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 15th October 1959

S.O. 2319.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949) the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 11 of the said Act shall not be applicable to the Union Bank of Bijapur and Sholapur Ltd., Bijapur till the expiry of the 30th day of September, 1960, in so far as the said section would, by reason only of the territorial changes and formation of new States under the provisions of the States Reorganisation Act, 1956 (37 of 1956), require it to have paid up capital and reserves of an aggregate value which is higher than the aggregate value of paid up capital and reserves which it was required to have under the said section on the 31st October, 1956.

[No. F. 4(63)-BC/59.]

(Department of Economic Affairs)

New Delhi, the 15th October, 1959

(Statement of the Affairs of the Reserve Bank of India, as on the 9th October, 1959.)

BANKING DEPARTMENT

| Liabilities | Rs. | Assets | Rs. |
|--|---------------|-------------------------------------|---------------|
| Capital paid up | 5,00,00,000 | Notes | 10,48,33,000 |
| Reserve Fund | 80,00,00,000 | Rupee Coin | 1,52,000 |
| National Agricultural Credit (Long-term Operations) Fund | 30,00,00,000 | Subsidiary Coin | 8,66,000 |
| National Agricultural Credit (Stabilisation) Fund | 4,00,00,000 | Bills Purchased and Discounted:— | |
| Deposits :— | | (a) Internal | .. |
| (a) Government | | (b) External | .. |
| (i) Central Government | 56,11,10,000 | (c) Government Treasury Bills | 37,45,77,000 |
| (ii) Other Governments | 6,27,62,000 | Balanced held abroad* | 14,20,00,000 |
| (b) Banks | 67,16,14,000 | **Loans and Advances to Governments | 24,80,51,000 |
| (c) Others | 118,49,87,000 | Other Loans and Advances | 85,99,25,000 |
| Bills Payable | 18,47,21,000 | Investments | 218,13,33,000 |
| Other Liabilities | 15,46,81,000 | Other Assets | 9,81,38,000 |
| Rupees | 400,98,75,000 | Rupees | 400,98,75,000 |

*Includes Cash & Short term Securities

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 2,08,00,000/- advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated the 14th day of October, 1959.

An Account pursuant to the Reserve Bank of India, act, 1934, for the week ended the 9th day of October, 1959.

ISSUE DEPARTMENT

| Liabilities | Rs. | Assets | Rs. |
|--------------------------------------|-----------------------|---|------------------|
| Notes held in the Banking Department | 10,48,33,000 | A. Gold Coin and Bullion:— | |
| Notes in circulation | <u>1686,53,05,000</u> | (a) Held in India | 117,76,03,000 |
| Total Notes issued | 1697,01,38,000 | (b) Held outside India | .. |
| | | Foreign Securities | 163,00,89,000 |
| | | TOTAL OF A | 280,76,92,000 |
| | | B. Rupee Coin | 134,84,64,000 |
| | | Government of India Rupee Securities | " 1281,39,82,000 |
| | | Internal Bills of Exchange and other commercial paper | .. |
| TOTAL LIABILITIES | 1697,01,38,000 | TOTAL ASSETS | 1697,01,38,000 |

Dated the 14th day of October, 1959.

B. VENKATAPPIAH,
Deputy Governor.

[No. F. 3(2)-BC/59.]

A. BAKSI, Jt. Secy.

(Department of Revenue)

INCOME-TAX

New Delhi, the 15th October 1959

S.O. 2321.—In exercise of the powers conferred by sub-section (4) of section 46A of the Indian Income-tax Act, 1922 (11 of 1922), the Central Government hereby makes the following further amendment in the Income-tax (Tax Clearance Certificates) Rules, 1953, namely:—

In the said rules, in Form E annexed thereto, for the words beginning with "This is to certify" and ending with "months from date", the following shall be substituted, namely:—

"This is to certify that the applicant who intends to travel abroad is exempted from producing a Clearance Certificate under section 46A(1) of the Indian Income-tax Act, 1922 (11 of 1922), in respect of the journey/journeys to be undertaken on or after..... and before.....".

[No. 108/F. No. 46(7)-IT/59.]

P. V. KURUVILA, Dy. Secy.

CENTRAL EXCISE COLLECTORATE, ALLAHABAD

AMENDMENT NO. 36/1959 TO NOTIFICATION NO. 5/1959

Allahabad, the 12th October 1959

S.O. 2322.—In supersession of the Schedule appended to Notification No. 5/59 as notified by amendment No. 15/1959, and published at pp. 1276—1278 of part II Sec. 3 (ii) of the Gazette of India, dated the 30th May, 1959, the subjoined schedule may be substituted. The revised schedule will take effect from the 1st November, 1959.

| Sl. No. | Name of Division | Headquarters | Sl. No. | Name of Circle | Head- quarters | Territorial jurisdiction of the Circle |
|------------|---------------------|--------------|------------|-------------------|-------------------|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1 | Rampur | Rampur | 1 | Rampur | Rampur | Rampur Almora, excluding pargana Pithoragarh and Naini Tal District excluding Khatima Tehsil. |
| 2 | Moradabad | Moradabad | 2 | Moradabad | Moradabad | Pauri—Garhwal and Bijnor Districts & Moradabad and Thakurdwara Teh- sils of Moradabad District. |
| 3 | Chandausi | Chandausi | 3 | Chandausi | Chandausi | Sambhal, Bilari and Amroha Teh- sils of Moradabad District. |
| 4 | Dehradun | Dehradun | 4 | Dehradun | Dehradun | Dehradun & Tehri Garhwal Districts and Nakur Deo- band and Roorkee Tehsils of Saharan- pur District. |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|----------|----------|---|---|--|---|
| 2 | Bareilly | Bareilly | 1 Bareilly 2 Badaun 3 Shahjahanpur | Bareilly Badaun Shahjahanpur | Bareilly District. Badaun District. Shahjahanpur, Pilibhit and Hardoi Districts and Tehsil Khatima of Nainital District and Pithoragarh pargana of Almora District. | |
| | | | 4 Kasganj | Kasganj | Sikandra Rao Tehsil of Aligarh District and Etah District less Azamgarh pargana of Aligarh Tehsil in Farrukhabad Division. | |
| 3 | Meerut | Meerut | 1 Meerut 2 Saharanpur 3 Muzaffarnagar 4 Ghaziabad 5 Bulandshahr | Meerut Saharanpur Muzaffarnagar Ghaziabad Bulandshahr | Meerut, Mawana Sardhana, and Baghpat Tehsils of Meerut District. Tehsil Saharanpur of Saharanpur District. Muzaffarnagar District. Tehsils Ghaziabad and Hapur of Meerut District. Bulandshahr District. | |
| 4 | Agra | Agra | 1 Agra 2 Mainpuri 3 Jhansi | Agra Mainpuri Jhansi | As at present. Jhansi, Jalaun, Hamirpur and Banda Districts. | |
| | | | 4 Aligarh | Aligarh | Aligarh District. | |
| 5 | Kanpur | Kanpur | 1 Kanpur I 2 Kanpur II 3 Kanpur III | Kanpur I Kanpur II Kanpur III | As at present. | |

[C. No. II-225-ET/59/II/51407].

S. C. MATHUR,
Collector.

CENTRAL EXCISE COLLECTORATE, DELHI

CENTRAL EXCISE

New Delhi, the 13th October 1959

S.O. 2323.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I empower the Officers of Central Excise Collectorate, Delhi, specified in column 1 of the sub-joined table, to exercise within their respective jurisdictions the powers of a Collector under the rules enumerated in column 2

to sanction remission of duty on excisable goods lost by natural causes or accidents:—

TABLE

| Rank of Officer | Central Excise Rules | Limitation, if any |
|---------------------|----------------------|--|
| 1 | 2 | 3 |
| Assistant Collector | 49,196 | Provided the duty involved on the goods so lost does not exceed Rs. 500. |

2. The first information regarding loss or destruction of excisable goods by natural causes or accident, such as flood, cyclone, fire, etc., should be sent within 24 hours of the occurrence or accident to the Circle Officer and the Range Officer concerned. Any delay in furnishing this information by the owner of the goods may result in refusal to write off duty on such losses.

[C. No. IV(16)25/56/46839.]

B. D. DESHMUKH, Collector.

OFFICE OF THE COLLECTOR OF CUSTOMS AND CENTRAL EXCISE,
PONDICHERRY

PUBLIC NOTICE

CENTRAL EXCISE

Pondicherry, the 18th October 1959

Sub.—Enhancement of rebates of excise duty on Matches for B, C, and D Class factories.

S.O. 2324.—With a view to giving further relief to the small scale producers in the Match Industry, the Government of India have decided that with effect from 15th October, 1959, the size of rebates admissible to B, C and D categories of match manufacturers should be further enhanced by 3, 6 and 9 Naye Paise per gross respectively for the manufacture of 60s size of match boxes, and by 2, 4 and 6 Naye paise per gross respectively for the manufacture of 40s size of match boxes.

[No. 8/59(File C.VI(E)/3/1/59.]

A. J. B. LOBO, Collector.

MINISTRY OF COMMERCE AND INDUSTRY

TARIFF COMMISSION

New Delhi, the 24th October 1959

S.O. 2325.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the recruitment of persons to class III posts in the Tariff Commission, Bombay, under the Ministry of Commerce and Industry, namely:—

1. Short title.—These rules may be called the Tariff Commission (Class III Posts) Recruitment Rules, 1959.

2. Application.—These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. Classification and scale of Pay.—The number and classification of the said posts and the scale of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. Method of recruitment, age limit and other qualifications.—The method of recruitment to the said posts, the age limit and other qualifications and other matters connected therewith shall be as specified in columns 5 to 12 of the Schedule aforesaid:

Provided that—

- (a) The maximum age limit specified in column 1 of the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the scheduled castes and scheduled tribes and other special categories in accordance with the orders issued by the Central Government from time to time; and
- (b) no man candidate who has more than one wife living and no woman candidate who has married a person having already a wife living, shall be eligible for appointment unless the Central Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this condition.

SCH

*Recruitment Rules for Class III Posts in the
MINISTRY OF COMMERCE*

| Name of post | Number of posts | Classification | Scale of pay | Whether a selection or non-selection post | Age limit for direct recruits |
|--|-----------------|--|----------------------|---|-------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. Deputy Superintendents | 2 | General Central Service Class III (Non-Gazetted, Ministerial) | Rs. 250-15-450 | Selection | Not applicable |
| 2. Junior Economic Investigators | 10 | General Central Service Class III (Non-Gazetted, non-Ministerial) | Rs. 160-10-330 | Not applicable | Between 18 & 25 years. |
| 3. Assistants | 2 | General Central Service Class III (Non-Gazetted, Ministerial) | Rs. 160-10-330 | Selection | Not applicable |
| 4. Personal Assistants including P. A. to Chairman | 5 | Do. | Rs. 160-10-330 | Do. | Between 18 & 25 years. |
| 5. Librarian | 1 | General Central Service Class III (Non-Gazetted, non-Ministerial) | Rs. 100-8-140-10-250 | Do. | Do. |

DULE

Tariif Commission, Bombay.

AND INDUSTRY

| Educational and other qualifications required | Whether Age & educational qualifications prescribed for the direct recruits will apply in case of recruitment by promotion, transfer | Period of probation if any | Method of recruitment, i.e. by direct recruitment or by promotion or by transfer and percentage of vacancies filled by various methods | In case of recruitment by promotion/ transfer, grades from which promotion to be made | Circumstances in which Union Public Service Commission is to be consulted in making recruitment |
|---|--|---|--|---|---|
| 7 | 8 | 9 | 10 | 11 | 12 |
| Not applicable | Not applicable | Two years | By promotion. | 1. Assistant 2. Upper Division Clerks | Consultation with the Union Public Service Commission not necessary. |
| <i>Essential:</i> Master's degree in Economics or Commerce of a recognised University. | Age—No. Qualifications— Do. | 75% by direct recruitment & 25% by transfer, failing which by direct recruitment. | 1. Upper Division Clerks 2. Librarians 3. Technical Assistants (Computation) | Do. | |
| Not applicable | Not applicable | Do. | By promotion | Upper Division Clerks including Cashier. | Do. |
| <i>Essential:</i> 1. Matric or its equivalent. 2. Capacity to take dictation in shorthand at 120 words per minute. 3. 40 words per minute in typewriting. 4. Degree of a recognised university. 5. Diploma in Library Science. | Do. | Do. | By promotion/transfer, failing which by direct recruitment. | Stenographer. | Do. |
| | Age—No. Qualifications— Yes | Two years | By direct recruitment, failing which by promotion/ transfer. | 1. Upper Division Clerks 2. Lower Division Clerks | Do. |

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|----|---|---|----------------|-----------------------|
| 6. Upper Division Clerks including Cashier. | 12 | General Central Service Class III (Non-Gazetted, Ministerial). | Rs. 80-5-120-E.B.-8-200-10/2-220 (Special pay Rs. 25/- for the post of Cashier) | Selection | Between 18 & 25 years |
| 7. Stenographers | II | Do. | Rs. 80-5-120-E.B.-8-200-10/2-220 | Do. | Do. |
| 8. Technical Assistant (Computation). | I | General Central Service Class III (Non-Gazetted, non-Ministerial) | Do. | Do. | Do. |
| 9. Comptists | 2 | Do. | Rs. 60-3-81-EB-4-125-5-130 plus special pay Rs. 10/- | Not applicable | Do. |
| 10. Lower Division Clerks including Telephone Operator. | 35 | General Central Service Class III (Non-Gazetted, Ministerial) | Rs. 60-3-81-EB-4-125-5-130 | Do. | Do. |
| II. Staff Car Driver | I | Class III Non-Gazetted(Non-Ministerial) | Rs. 60-5/2-75 | Do. | Do. |
| 12. Senior Gestetner Operator | I | General Central Service Class III Non-Gazetted(Non-Ministerial). | Rs. 60-5/2-75 | Non-Selection | Not applicable |

| 7 | 8 | 9 | 10 | 11 | 12 |
|---|---------------------------------|-----------|---|-------------------------------|--|
| Degree of a recognised University | Not applicable | Two years | 50% by direct recruitment & 50% by promotion/transfer. | Lower Division Clerks. | Consultation with the Union Public Service Commission not necessary. |
| Matric with 100 words per minute in shorthand and 50 words per minute in type-writing. | Age—No. Qualifications —Yes, | Do. | By direct recruitment, failing which by promotion/transfer. | Lower Division Clerks. | Do. |
| 1. Matric. 2. Proficiency in computing economic and Industrial data. | Do. | Do. | By promotion, failing which by direct recruitment. | Comptists | Do. |
| 1. Matric 2. Proficiency in operating comptometer machines | Not applicable | Do. | By direct recruitments. | Not applicable | Do. |
| Matric with minimum speed of 30 words per minute in type writing | Do. | Do. | Do. | Do. | Do. |
| <i>Essential :</i> Should possess a motor driving licence | Do. | Do. | Do. | Do. | Do. |
| <i>Desirable :</i> 1. Experience in driving in a Govt. or Military Department. 2. Certificate of middle school standard (Passed). | Do. | Do. | Do. | Do. | Do. |
| Not applicable | Not applicable | Two years | By promotion | Gestetner operator (Class IV) | Do. |

ORDER

New Delhi, the 16th October 1959

S.O. 2326.—Whereas the Central Government has, by its notified order in the Ministry of Commerce and Industry No. F.14(1)-TEX(A)/59, dated the 18th July, 1959 issued under Section 18-A of the Industries (Development and Regulation) Act, 1951 (65 of 1951), authorised Shri Hanuman Prasad Nevalia to take over the management of the whole of the industrial undertaking called the Model Mills, Nagpur Limited, Nagpur, for the period specified therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 25 of the said Act, the Central Government hereby directs that the powers exercisable by it under sub-section (2) of section 18-B and under section 18-C of the said Act shall, in relation to the aforesaid management of the said undertaking, be exercisable also by the Government of Bombay.

[No. F. 14(1)-TEX(A)/59.]

M. P. ALEXANDER, Dy. Secy.

ORDER

EXPORT TRADE CONTROL

New Delhi, the 24th October 1959

S.O. 2327.—In exercise of the powers conferred by sections 3 and 4A of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendments in the Exports (Control) Order, 1958, namely:—

In Schedule I to the said Order—

1. Under the heading "B. RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED", after entry (vi) of item 9, the following shall be inserted:—

"(vi-a) Staple fibre,"

2. Under the heading "C. ARTICLES WHOLLY OR MAINLY MANUFACTURED",

(i) for entry (a) of item 15(iv), the following shall be substituted:—

"(a) Lungi, sarong or gamcha with a check pattern or any cloth with a check pattern and having a width between 42" and 52" from which lungis, sarongs or gamchas may be made;"; and

(ii) for entry (x) of item 15, the following shall be substituted:—

"(x) Staple fibre yarn,"

[No. Export(1)/AM(26).]

T. S. KUNCHITHAPATHAM, Under Secy.

(Indian Standards Institutions)

New Delhi, the 16th October 1959

S.O. 2328.—In modification of the rate of marking fee, notified in the Schedule annexed to the Ministry of Commerce and Industry (Indian Standards Institution) Notification No. S.O. 332, dated the 13th March, 1958 published in Gazette of India, Part II—Section 3—Sub-section (ii), dated the 29th March, 1958, the Indian Standards Institution hereby notifies that the marking fee per unit for BHC, Technical has been amended. The amended rate of marking fee, details of which are given in the Schedule hereto annexed, shall come into force with effect from the 19th October 1958.

THE SCHEDULE

| Sl. No. | Product/Class of Products | No. and title of relevant Indian Standard | Unit | Marking Fee per Unit |
|------------|------------------------------|---|---------|---|
| 1 | BHC, Tech- nical. | IS: 560-1955 specification for BHC, Technical. | One Ton | Rs. 5.00 per unit with a minimum of Rs. 2,000.00 per calendar year. |

[No. MDC/11(6)]

S.O. 2329.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for Waterproof Packing Paper and Sodium Acetate, Technical, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 19th October, 1959.

THE SCHEDULE

| Sl. No. | Product/Class of Products | No. and title of relevant Indian Standard | Unit | Marking Fee per Unit |
|------------|---------------------------------------|--|-------------|--|
| 1 | Waterproof Packing Paper. | IS : 293-1951 Code for Seaworthy Packing of 1000 yards. Cotton Textiles. | One Roll of | 6.5 naye Paise. |
| 2 | Sodium, Ace- tate, Techni- cal. | IS : 557-1954 Specifica- tion for Sodium acetate, Technical and Photo- graphic. | One Cwt. | 50 naye Paise per unit with a minimum of Rs. 1,600.00 per calendar year. |

[No. MDC/11(6)]

S.O. 2330.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that five licences, particulars of which are given in the Schedule hereto annexed have been renewed.

2972

THE GAZETTE OF INDIA : OCTOBER 24, 1959/KARTIKA 2, 1881

PART II

THE SCHEDULE

| Sl. No | Licence No. and Date | Period of Validity | | Name and address of the Licensee | Article covered by the Licence | Relevant Indian Standard |
|-----------|------------------------|--------------------|-------------|---|---|---|
| | | From | To | | | |
| 1 | CM/L-20 24-10-1956 | 24-10-1959 | 23-10-1960 | M/s. Shree Digvijay Cement Co. Ltd., Sikka (Saurashtra). | Ordinary, Rapid-Hardening and Low Heat Portland cement. | IS:269-1951 Specification for Ordinary, Rapid-Hardening and Low Heat Portland Cement. |
| 2 | CM/L-104 7-10-1958 | 1-III-1959 | 31-10-1960 | The East India Distilleries & Sugar Factories Ltd., Nelli-kuppam, Madras. | Rectified Spirit Grade A | IS:323-1952 Specification for Rectified Spirit. |
| 3 | CM/L-105 31-10-1958 | 17-III-1959 | 16-III-1960 | M/s. Sylvan Plywood Mills, Kotayam (Kerala) | Tea-Chest Plywood Panels | IS:10-1953 Specification for Plywood Tea-Chest (Revised). |
| 4 | CM/L-107 4-11-1958 | 17-III-1959 | 16-III-1960 | The Assam Veneer & Saw Mills Ltd. 9, Clive Row, Calcutta-I | Do. | Do. |
| 5 | CM/L-108 4-11-1958 | 17-III-1959 | 16-III-1960 | The Asiatic Plywood Industries, 30, Strand Road, Calcutta-I. | Do. | Do. |

[No. MDC/12(215)].

C. N. MODAWAL,
Deputy Director (Marks).

MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi-2, the 29th September 1959

S.O. 2331.—In exercise of the powers conferred by clause (a) of section 2 of the Indian Coconut Committee Act, 1944 (10 of 1944) as in force in India and as applied to the State of Pondicherry, and in supersession of the notification of the Government of India in the Ministry of Food and Agriculture No. 7-53/57-Com.I dated the 22nd May, 1957, the Central Government hereby appoints each of the Officers specified in Column (1) of the schedule hereto annexed to perform the duties of a Collector under the provisions of the said Act and the rules made thereunder in respect of the areas specified in the corresponding entry in column (2) of the said schedule.

THE SCHEDULE

I

2

| | |
|--|---|
| 1 The Collector of Central Excise, Baroda | The districts of Mehsana, Baroda, Dangs, Surat, Broach, Panchmahals, Kaira, Ahmedabad, Sabarkantha, Banskantha, Amreli, Zalawad, Gohilwad, Sorath, Halar, Madhya-Saurashtra and Kutch of the Bombay State. |
| 2 The Collector of Central Excise, Nagpur | The State of Madhya Pradesh and the districts of Chanda, Bhandara, Nagpur, Akola, Buldhana, Yeotmal, Amraoti and Wardha of the State of Bombay. |
| 3 The Collector of Central Excise, Poona | The districts of Ahmednagar, East Khandesh, West Khandesh, Nasik, Poona, North Satara, Sholapur, South Satara, Kolhapur, Aurangabad, Parbhani, Nanded, Bhir and Osmanabad and Panvel (except Uran Mahal), Karjat and Khalbup taluqs of Kolaba district and the district of Thana except the taluqs of Bassein, Dahanu, Palaghar and Umbergaon, all of Bombay State. |
| 4 The Collector of Central Excise, Bombay | The districts of the State of Bombay other than those specified in (1), (2) and (3) above. |
| 5 The Collector of Central Excise, Madras | The States of Madras and Kerala. |
| 6 The Collector of Customs and Central Excise, State of Pondicherry | The State of Pondicherry. |
| 7 The Collector of Central Excise, Mysore | The State of Mysore. |
| 8 The Collector of Central Excise, Calcutta | The States of West Bengal and Orissa. |
| 9 The Collector of Central Excise, Allahabad | The State of Uttar Pradesh. |
| 10 The Collector of Central Excise, Shillong | The State of Assam and the Union Territories of Tripura and Manipur. |
| 11 The Collector of Central Excise, Delhi | The States of Punjab, Jammu and Kashmir and Rajasthan and the Union Territories of Himachal Pradesh and Delhi. |
| 12 The Collector of Central Excise, Hyderabad | The State of Andhra Pradesh. |
| 13 The Collector of Central Excise, Patna | The State of Bihar. |
| 14 The Deputy Commissioner, Andaman and Nicobar Islands, Port Blair. | The Union Territory of Andaman and Nicobar Islands. |

(No. 7-53/57-Com.I.)

PRAKASH KRISHEN, Dy. Secy.

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 14th October 1959

S.O. 2332.—In pursuance of sub-section (h) of Section 4 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), the Central Government hereby appoint Shri N. K. Sadh, Khandwa to be a member of the Indian Central Oilseeds Committee with effect from the 1st April, 1959 for a term of 3 years.

[No. 8-2/59-Com.II.]

J. VEERARAGHAVAN, Under Secy.

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 13th October 1959

S.O. 2333.—In pursuance of the provisions of clause (d) of Section 4 of the Indian Coconut Committee Act, 1944 (10 of 1944) the Government of Mysore have re-nominated Shri Mallaraj Urs, Director of Agriculture, Mysore State, as a member of the Indian Central Coconut Committee for a period of three years with effect from 1st April, 1959.

[No. 8-4/59-Com.I.]

AJUDHIA PRASADA, Under Secy.

MINISTRY OF HEALTH

New Delhi-2, the 5th October 1959

S.O. 2334.—Dr. K. Ramachandran Professor of Dental Surgery, Madras Medical College, Madras, has been duly elected as a member of the Dental Council of India under clause (c) of section 3 of the Dentists Act, 1948 (16 of 1948), with effect from the 16th September, 1959 against a casual vacancy vice Dr. K. L. Shourie resigned.

[No. F. 3-49/59-MII.]

R. NARASIMHAN, Under Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS

(Department of Transport)

New Delhi, the 17th October 1959

S.O. 2335.—In exercise of the powers conferred by sub-section (3) of section 39 of the Madras Port Trust Act, 1905 (Madras Act II of 1905), the Central Government hereby prescribes that the receipt to be given by the Board under the said sub-section shall be in the following form, namely:—

"Receipt

[See section 39(3) of the Madras Port Trust Act, 1905]

Original/Duplicate.

Book No.

Sl. No.

MADRAS PORT TRUST

Received on in apparent good condition or in condition as noted below from Messrs. for shipment

on board the s.s. to the port of the undermentioned packages, the weight, contents and state of contents whereof are unknown.

| Export Application No. | S. B. No. | Marks and Nos. | Description | No. of packages | Stored in open/closed accommodation | Condition of the packages | Remarks |
|------------------------|-----------|----------------|-------------|-----------------|-------------------------------------|---------------------------|---------|
| | | | | | | | |

Total No. of Packages.

T.C. No. Export cargo Shed Master.
Receiver.

No. Shed.
..... Section.

Date:

Received Mate Receipt No. in exchange for Port Trust
Tally Receipt No.

Shipper.

Dated:

Board"

[No. 22-PLA(19)/59.]

K. NARAYANAN, Dy. Secy.

MINISTRY OF IRRIGATION AND POWER

New Delhi, the 16th October 1959

S.O. 2336.—In pursuance of sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following amendment in the schedule to the notification of the Government of India in the Ministry of Irrigation and Power No. S.R.O. 617, dated the 28th February, 1957, namely:

In part II of the said schedule under the heading "Technical Training Centre under Central Water and Power Commission" the following additional entries shall be inserted in columns 3, 4 and 5 against the entry 'All other posts'.

| 1 | 2 | Authority 3 | Penalties 4 | 5 |
|---|---|-----------------|----------------|-----------------------------|
| | | Deputy Director | (i) to (iii) | Member (Administration.) |

[No. 10(4)/57-AVS].

G. D. KSHETRAPAL, Dy. Secy.

ORDER

New Delhi, the 15th October 1959

S.O. 2337.—In exercise of the powers conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 118, proviso (a),
- (ii) Rule 119 (1)(a), and
- (iii) Rule 123 (7)

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with one Model 1300, 4 cu. yd., P. & H. Shovel, serial No. 21061—

- One 200 H.P., 3300 volts, Squirrel cage motor serial No. 266309 for the hoist,
- One 100 H.P., 3300 volts, Squirrel cage motor serial No. 266319 of the motor-generator set,
- One K.V.A., 3.3 KV/380 volts, transformer, serial No. 20937 for the control circuits, lighting supply and auxilliary equipments,
- One length of 1,000 feet of type 6 AWG, 3000 to 4000 volts grade 133 strands, 3 live screen protected insulated conductors, the combined construction of the screen being '0342 sq. in., and the 3 un-insulated ground conductors, the combined construction of which being '049 sq. inch,

at the quarries of the Barusa Iron Mine of Rourkela Steel project (Messrs Hindustan Steel Limited) to the extent that (1) the transportable motors of the shovel may be used at 3.3 K.V., (ii) the transformer and other associated equipments using energy at high voltage may not be fixed apparatus when installed on the transportable shovel moving from place to place, and (iii) the length of the flexible cable with the transportable machine may not exceed 1,000 feet, and that the relaxation shall be subject to the following conditions:

- (1) The installations and wirings inside the shovel shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular, rules 115-117, 121, 123-125 and 130.
- (2) The flexible trailing cable for use with the excavating machine shall be worked and handled with due care so as to avoid any danger arising out of its use. It shall be of adequate size. The 3.3 K.V. supply through the same shall be controlled by a proper circuit-breaker provided with earth-leakage protection to cover the system under earth-leakage fault condition. The flexible cable shall be connected to the said circuit-breaker and the machine by properly constructed connector boxes.
- (3) The high voltage motors and the transformer shall each be controlled by a circuit-breaker rated to the ratings of the apparatus concerned and installed within the shovel.
- (4) The excavating machine shall be worked with due care so as to avoid danger arising out of any electrical defect and the insulation resistance of the high voltage circuit including driving motors shall at no time be less than 10 megohms.
- (5) The operators of the shovel shall be trained and authorised for operating the shovel with competency and due care to avoid danger.

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and that due information shall be given to the Central Government through the Electric Inspector of Mines as soon as the machine is taken out of the mine.

[No. EL-III-3(8)/59.]

N. S. VASANT, Officer on Special Duty.

MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 8th October 1959

S.O. 2338.—Whereas the Central Government is of opinion that it is necessary to acquire the evictee properties specified in the Schedule hereto annexed in the State of Madhya Pradesh for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evictee properties specified in the Schedule hereto annexed.

THE SCHEDULE

| Serial No. | Particulars of the evictee property | Name of the town and village/locality in which the property is situate | Name of the evictee |
|------------|---------------------------------------|--|------------------------------------|
| 1 | 2 | 3 | 4 |
| 1 | One house of 3 Chasmas . | In village Bhomwara, Tehsil, Burwaha. | Ramzan son of Idu. |
| 2 | One house . . . | Village Ozar Tehsil Rajpur. | Abdul Rehman son of Ahmedji. |
| 3 | One house . . . | Village Ozar, Tehsil Rajpur. | Ibrahim Aliji Khatri. |
| 4 | One house . . . | Village Balsamund. | Bahadur Khan son of Afzal Khan. |
| 5 | One house . . . | Rajpur. | Zenab Bal wife of Isaq. |
| 6 | One house of 4 Chasmas . | Pinghleswar Tehsil Ujjain. | Amirbi wife of Chand Khan. |
| 7 | One house of Tin Sheet at Pingleshwar | Pingleshwar Tehsil Ujjain. | Amirbi wife of Chand Khan. |
| 8 | One house . . . | Chirmoliya, Tehsil Mandsaur. | Mirjabban son of Akbar Khan |
| 9 | One house . . . | Kusba, Mandsaur. | Joeb and Tahir Sons of Fakhruddin. |
| 10 | Land Khata No. 51 Acres 18 | Village Balsamund, Tehsil Rajpur. | Bahadur Khan son of Afzal Khan. |
| 11 | Land Bearing area 14.08 acres. | Village Gunti, Tehsil Burwaha. | Ahmed Deen and Mehmmudeen. |

[No. 4(13) Policy-II/58.]

New Delhi, the 13th October 1959

S.O. 2339.—In exercise of the powers conferred by sub-section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the State of Bihar, Shri Ram Lal Bhasin as Assistant Custodian for the purpose of discharging the duties assigned to the Custodian by or under the said Act, with effect from the date he took charge of his office.

[No. 4(45)-Adm.(Prop.)/59.]

S.O. 2340.—In exercise of the powers conferred by sub-section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the State of Punjab, Shri Tej Singh as Assistant Custodian for the purpose of discharging the duties assigned to the Custodian by or under the said Act, with effect from the date he took charge of his office.

[No. p/F. 2(2)-Adm.(Prop.)/59.]

S.O. 2341.—In exercise of the powers conferred by clause (a) of sub-section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act No. 44 of 1954, the Central Government hereby appoints for the State of Bihar, Shri Ram Lal Bhasin as Managing Officer, for the custody, management and disposal of compensation pool.

[No. F. 4(45)-Admn.(Prop.)/59.]

New Delhi, the 14th October 1959

S.O. 2342.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act No. 44 of 1954, the Central Government hereby appoints for the Union Territory of Delhi, Shri K. B. Chaudhary for the time being holding the post of Settlement Officer under the Regional Settlement Commissioner, Delhi, as Managing Officer, for the custody, management and disposal of compensation pool with effect from the date he took over charge of the post.

[No. 16(12)-Admn.(Prop)/59.]

New Delhi, the 15th October 1959

S.O. 2343.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of Punjab for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the Schedule hereto annexed.

THE SCHEDULE

| Serial No. | Particulars of property | Name of the town and locality in which evacuee proper- ty is situated | Name of the evacuee |
|---------------|----------------------------|--|--|
| 1 | 2 | 3 | 4 |
| 1. 31/7'2 | K—M | | |
| 8 | 2—0 | Dakar Barari | Village Kholawas Tehsil Dadri, District Mohindergarh |
| 9 | 8—0 | " | Munshi Mhaphuj Ali |
| 12 | 6—4 | " | Mehar Ali, Ali Shera |
| 12 | 4—16 | " | S/o Khaman Musamat |
| 13 | 8—0 | " | Jiwani w/o Khaman. |
| 14 | 8—0 | " | |
| 16 | 8—0 | " | |
| 17 | 8—0 | " | |
| 18 | 8—0 | " | |
| 19 | 3—16 | " | |
| 22 | 2—4 | " | |
| 23 | 8—0 | " | |
| 24 | 8—0 | " | |
| 25 | 8—0 | " | |
| 32/3 | 8—3 | " | |
| 2. 41/1 | 3—13 | Village Kholawas Tehsil Dadri, District Mohindergarh. | Nur Ali s/o Alla Baksh. |
| 2 | 7—7 | " | |
| 3 | 7—7 | " | |
| 4 | 7—7 | " | |
| 5 | 7—7 | " | |
| 6 | 8—0 | " | |
| 7 | 8—0 | " | |
| 8 | 8—0 | " | |
| 9 | 8—0 | " | |

| I | 2 | 3 | 4 |
|----------|------|---|-----|
| 10 | 8—0 | “ | |
| 11 | 8—0 | “ | |
| 12 | 8—0 | Dekar | |
| 13 | 8—0 | “ | |
| 14 | 8—0 | “ | |
| 15 | 8—0 | | |
| 17 | 8—0 | Dekar Rosli 4—0 | 4—0 |
| 24 | 8—0 | Dekar | |
| 3. 41/18 | 8—0 | Dekar Barani Village Kholawas Tehsil Rafiq Mohd. s/o Yakub. | |
| 19 | 8—0 | “ Daudi District Mohin- | |
| 20 | 8—0 | “ Jergarh. | |
| 21 | 8—0 | “ | |
| 22 | 8—0 | “ | |
| 23 | 8—0 | “ | |
| 48/1 | 8—0 | “ | |
| 2 | 7—11 | “ | |
| 3 | 7—11 | “ | |
| 42/6 | 8—0 | “ | |
| 7 | 6—16 | “ | |
| 14 | 8—4 | “ | |
| 15 | 8—0 | “ | |

[No. 3(46)Policy-II/59.]

M. L. PURI,
Settlement Commissioner & Ex-Officio,
Under Secy.

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 16th October 1959

S.O. 2344.—In pursuance of the provisions of sub-section (4) of section 22 of the Delhi Development Act, 1957, it is hereby notified that the Delhi Development Authority has replaced at the disposal of the Central Government the Nazul Land described in the schedule below for allotment to the Municipal Corporation of Delhi for widening the approach road to the Nigam Bodh Ghats near Jamuna river.

SCHEDULE

Land measuring 1648 sq. yds. in Bela Estate comprising of Khasra Nos. 235/36-196 min, 45 min and 192/56 min, and bounded as follows:—

North:—Cremation ground.

South:—Pucca Road to Gita Bhawan.

East:—Pucca Road.

West:—Nazul land under the possession of unauthorised occupants and Dharam Sangh.

[No. L. 16(33)/54.]

M. L. GUPTA, Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 14th October 1959

S.O. 2345 PWA/Mines/Sec. 8(4).—In exercise of the powers conferred by sub-section (5) of section 1 read with section 24 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby extends with effect from the 1st November, 1959, sub-section (4) of section 8 of the said Act, to the payment of wages to all classes of persons employed in mines to which the Mines Act,

1952 (35 of 1952) applies, three months' notice of its intention of so doing having been given as required by the said sub-section (5) of section 1.

[No. Fac. 50(82)/58.]

New Delhi, the 19th October 1959

S.O. 2346.—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 30th September, 1956, to the factory known as Messrs Sarabhai Chemicals Karmchand Premchand (Private) Limited, Wadi Wadi, P.B. No. 31, Baroda, there was in existence a provident fund common to the employees employed in the factory, to which the said Act applies and the employees excluding field staff in their other establishments specified in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that the provisions of that Act shall also apply to the aforesaid establishments in relation to the employees excluding the field staff.

SCHEDULE

1. Sarabhai Chemicals, Shahibag House, 13, Wittet Road, Ballard Estate, Post Box No. 1688, Fort, Bombay.
2. Sarabhai Chemicals, Karnani Mansions, 25B, Park Street, Post Box No. 9030, Calcutta-16.
3. Sarabhai Chemicals, Hakem Mansions, 17, Stringers' Street, Post Box No. 232, Madras-1.
4. Sarabhai Chemicals, 58/60, Birhana Road, Post Box No. 186, Kanpur (U.P.).
5. Sarabhai Chemicals, Buildings No. 12, Block No. 3, Ajmeri Gate Extension, Post Box No. 612, New Delhi.
6. Sarabhai Chemicals, 17/72-A, Gandhi Nagar, Buckingham Post, Post Box No. 409, Vijayawada-2.
7. Sarabhai Chemicals, Gauhati Bank Building Pan Bazar, Gauhati (Assam).
8. Sarabhai Chemicals, Galenicals Department, Bchar Sugar Works, Pachrukhi, Saran District.

[No. PF.II.7(22)/59.]

S.O. 2347.—In pursuance of sub-clauses (1), (3) and (4) of clause 4 of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, the Central Government hereby appoints Shri K. Mitter, Chairman, Calcutta Port Commissioners, as a member of the Calcutta Dock Labour Board with effect from the 19th October, 1959 and also nominates him as the Chairman of the said Board in place of Shri R. K. Mitra, I.C.S., who has proceeded on leave and directs that the following further amendments shall be made in the notification of the Government of India in the Ministry of Labour No. S.R.O. 2316, dated the 8th October, 1956, namely:—

In the said notification, for the entry "Shri R. K. Mitra, I.C.S." in the two places where it occurs, the entry "Shri K. Mitter" shall be substituted.

[No. Fac. 175(21).]

New Delhi, the 20th October 1959

S.O. 2348.—In pursuance of sub-paragraph (1) of paragraph 22 of the Employees' Provident Funds Scheme, 1952, and in supersession of the notification of the Government of India in the Ministry of Labour No. S.R.O. 1052, dated the 30th April 1956, the Central Government hereby appoints Shri S. N. Pande, Commissioner of Labour and Regional Provident Fund Commissioner, Bihar, as the Secretary to the Regional Committee for the State of Bihar, as constituted under paragraph 4 of the said Scheme, in the notification of the Government of India in the Ministry of Labour No. S.R.O. 1380, dated the 11th July 1953.

[No. PF.II-1(5)/58.]

P. D. GAIHA, Under Secy.

New Delhi, the 17th October 1959

S.O. 2349.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Khas Karanpura Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE NO. 44 OF 1959

PARTIES:

Employers in relation to the Khas Karanpura Colliery

AND

Their workmen.

Dhanbad the 6th October 1959

PRESENT:

Shri Salim M. Merchant, B.A.LL.B., Presiding Officer.

APPEARANCES:

For the employers.—Shri D. Narsingh, Advocate, instructed by Shri D. K. Sinha, Welfare Officer.

For the workmen.—Shri S. K. Mukherjee, Pleader, with Shri P. B. D. Choudhury, Secretary, Colliery Staff Association.

STATE: Bihar.

INDUSTRY: Coal.

AWARD

The Government of India, Ministry of Labour and Employment by Order No. LR.II-2(85)/59 dated 30th June 1959 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, was pleased to refer to me for adjudication the industrial dispute between the parties above-named in respect of the matters specified in the following schedule to the said order:—

SCHEDULE

“Whether the management of the Khas Karanpura colliery was justified in designating Sarva Shri Mundrika Singh, D. P. Ambasta and D. K. Sen Gupta as Register Keepers while implementing the award of the All India Industrial Tribunal (Colliery Disputes) as modified by the Labour Appellate Tribunal. If not, to what relief they are entitled?”

2. Before dealing with the merits of the dispute, it is first of all necessary to dispose of the preliminary objection as regards the validity of the reference and jurisdiction of this Tribunal which the management has urged in its statement of Rejoinder dated 10th August 1959. The preliminary objection is that this is an individual dispute and not an industrial dispute and therefore the Tribunal has no jurisdiction to entertain it. It appears that there are about 800 workmen employed in the Khas Karanpura colliery of whom about 45 are clerks. It is admitted that the three workmen in respect of whose proper designation, this dispute has been raised fall in the category of clerks. It was stated at the hearing and not denied by the management that 26 of these 45 clerks are members of the Karanpura Coalfield branch of the Colliery Staff Association which is a registered trade union of the clerical staff employed in collieries. It is admitted that it was this Branch Union that raised this industrial dispute by addressing a complaint to the Conciliation Officer (Central), Hazaribagh on 2nd March 1959, in which it claimed that these 3 clerks were entitled to pay of grade II clerks under the Award of the All India Industrial Tribunal (Colliery Disputes) (popularly known and hereafter referred to as the Majumdar Award) as modified by the decision dated 29th January 1957 of the Labour Appellate Tribunal and they further claim that they were entitled to the same from 26th May 1956 the date on which the Majumdar Award as so modified by the Labour Appellate Tribunal came into force. Now Shri Narsingh's argument is that as out of 800 workmen of the colliery of all categories, only 26 clerks as represented by the Staff Association, have taken up the cause of these workmen, this is an individual dispute and not an industrial dispute as a substantial number of workmen of the colliery do not support this dispute, and

he has in support relied upon the decision of the Patna High Court (Their Lordships Shri Ramaswami J. and Shri S. Prasad J.) in the case of the New India Assurance Co. Ltd, and another Vs. the Central Govt. Industrial Tribunal and others (1954-II.L.L.J.p. 21). That case related to the dismissal of an individual workman and the demand for the reinstatement of the dismissed workman had not been taken up by the Employees' Association with the management and as no opportunity was given to the management to comply or refuse such demand it was held that it was impossible to hold that there was any dispute between the Employees' Association and the management which would give jurisdiction to the Government to make a reference under Section 10(1) of the Industrial Disputes Act. But in this case the dispute with regard to the proper designation and consequent question of what grade of pay these three clerks were entitled to under the Majumdar Award has admittedly been taken up by the Staff Association, which is a registered trade union of the clerical staff employed in the collieries and which has a membership of 26 clerks, out of 45 clerks employed in this colliery. Shri D. Narsingh's argument is that as there are 800 workers employed in the colliery and only 26 clerks out of these have taken up this dispute, there are not a substantial number of employees of this colliery who can be deemed to have taken up this dispute and therefore this dispute must be deemed to be an individual dispute and not an industrial dispute. In other words, Shri Narsingh's contention is that because this dispute has not been backed by substantial number employed in this colliery as a whole, this is not an industrial dispute. A similar contention has been rejected by the Madras High Court (Justice Shri Balkrishna Iyer) in the case of the Buckingham & Curnatic Company Limited and Buckingham Curnatic Mills Staff Union another. (1959-II.L.L.J.p. 388). There, an industrial dispute which concerned certain demands relating to the clerical employees of the Mills was referred to arbitration. The Mills employed in all 14,700 workmen of whom about 700 belonged to the Clerical establishment of which 434 belonged to the Staff Union. It was there argued as Shri Narsingh has argued here that as only 434 out of a total number of 14,700 workmen had raised and prosecuted the dispute it was not an industrial dispute. Negativating the contention His Lordship Balkrishna Iyer J. observed:—

"It must also be remembered that every individual has freedom of association and that all employees are not bound to join the same union—or in fact any union. The employees of one establishment may belong to a number of unions and each one may have its own views, methods and leadership. The claims put forward by one union may not necessarily be supported by the other unions, and where personal, factional, territorial, communal or other rivalries came in, one union as a matter of principle may oppose claims made by another union. In such cases to insist that the claim made on behalf of a section of workmen must be supported by a majority of the members employed in the establishment would be to make the Act unworkable or ineffective.

Further organisation of workers on the basis of crafts is a well-recognised form of organisation. In other words, unions based on crafts are a common feature of the modern industrial system and when a genuine union based on a craft exists and that union has a majority of the employees engaged in that craft and belonging to that establishment, it would not be ordinarily proper to say that a dispute backed by such a union is not an industrial dispute unless it is backed by a substantial number of workmen employed in that establishment as a whole. The Act contains no provisions for dealing with situations where there are a number of unions in the field and each one claims to be exclusively entitled to speak and act on behalf of the employees in a particular establishment or industry. As the Act stands, it will be impossible to insist that before a dispute between a management and its employees can be called an industrial dispute, that a dispute must have the backing of a majority of the employees under that management. The decisions do not go farther than saying that before a dispute can be called an industrial dispute, it must have the backing of a substantial number of the employees. A substantial number need not be a majority.

In the circumstances, a dispute relating to service conditions of certain clerks backed by the Union of which 434 out of 700 clerks of the clerical department of the establishment were members must be held to be an "Industrial dispute" within the meaning of the Act even though the union, of which 10,000 workers out of 14,000

employed in the establishment were members, did not back such dispute."

Following the decision with respect, I am of the opinion that this dispute has been taken up the Branch of the Staff Association, which is the trade union of the clerical staff employed in collieries, and 26 clerks out of 45 clerks in the colliery are members of this union which I consider a substantial number, it must be held that this is an industrial dispute and not an individual dispute and that the reference is valid and I have jurisdiction to entertain the same.

3. I now proceed to deal with the dispute on its merits.

4. The union's case is that all these three workmen were designated and were performing the duties of Attendance Clerks in the Khas Karanpura Colliery and were as such entitled under the award of the All India Industrial Tribunal (Colliery Disputes) as modified by the decision of the Labour Appellate Tribunal of India, to be classified as Grade II clerks; that the management had in implementation of the said Award (hereinafter referred to the Majumdar Award) wrongfully designated them as Register Keepers and classified them as Grade III clerks. They claim that under Appendix XVI of the Majumdar Award they are entitled to be placed in Grade II and are therefore entitled to the pay prescribed by Majumdar Award for Grade II Clerks from the date the Majumdar Award came into operation i.e. from 26th May 1956.

5. The management's case, is that prior to the Majumdar Award these workmen were loosely designated and it was only after the Majumdar Award came into operation that designations and categories had been standardised and graded. It is contended that Hundrika Singh was not designated as Attendance Clerk prior to the Majumdar Award but had been working as Munshi and that he had been transferred to the job of the Register Keeper with that designation in about May 1957, and has been discharging functions of a Register Keeper since then. With regard to the other two workmen, namely D. P. Ambasta and D. K. Sen Gupta, the company's contention is that most of the duties performed by them are in fact duties of Register Keepers under the Mines Rules 1955 and as such they have been rightly categorised as Register Keepers and paid in the grade of Class III clerks.

6. Before dealing with the contentions of the parties it is necessary to state that Appendix XVI to the Majumdar Award was an agreed statement of classification of the clerical staff into three grades according to nomenclature and designation. It is admitted that Attendance Clerks have been placed by Appendix XVI in category II for clerks and Register Keepers have been classified as Grade III clerks. For grade II clerks the scale of pay prescribed by Majumdar Award as modified by the decision of Labour Appellate Tribunal of India dated 29th January, 1957 is Rs. 48—3—57—4—93 and for Grade III clerks the scale prescribed is Rs. 43—3—82. All these three workmen have as stated earlier been placed in grade III for clerks in implementation of the Majumdar Award and their claim is that they are entitled to Grade II for clerks.

7. In support of this claim for Grade II for Hundrika Singh the union has relied mainly upon the authorisation dated 26th June, 1953 under the Coal Mines Regulation No. 25 which the Manager of the Khas Karanpura colliery had issued in his favour and in which he has been described as Register Clerk (Exhibit W-A). I may pause here and state that it is admitted that Register Keepers are the same as Attendance Clerks. The management's case, however, is that prior to the Majumdar Award, Hundrika Singh was working as a Munshi and not as Register or Attendance Clerk and in support of this contention it has filed two applications (Exhibit E-2 and E-1) addressed by Hundrika Singh to the Manager, the Khas Karanpura colliery, dated 12th December, 1953 and 18th October, 1956 in which he has described himself as a Munshi. The company has also produced its wage sheets for the week ending 8th January, 1956 and onwards as also its attendance register for the monthly paid staff for the year 1957, in which since May 1957, Hundrika Singh has been designated as Register Keeper. The Union has suggested that Hundrika Singh had described himself as Munshi in his said two applications and was also shown as Munshi in the records produced by the Management because he may have acted as a Munshi for some period. But I find it difficult to accept this explanation of the Union. From the two letters written by Hundrika Singh in which he has described himself as Munshi and in the records it does appear that Hundrika Singh was prior to Majumdar Award designated and working as a Munshi and after the Majumdar Award was implemented, as a Register Keeper, which is a Grade III post. Merely because the management had issued authorisation certificate in his favour describing him as Register Clerk, it does

not establish that prior to the Majumdar Award he was designated as Attendance Clerk or Register Clerk particularly when the workman in his applications has described himself as Munshi. I am, therefore, not satisfied that the company has been wrong in classifying Hundrika Prasad Singh as Grade III Clerk.

8. With regard to the other two clerks, D. P. Ambasta and D. K. Sen Gupta, it is admitted that even prior to the Majumdar Award they were designated and shown in the records of the colliery as Attendance clerks. It is admitted that their designation was changed from that of Attendance Clerks to that of Register Keepers in July 1958 when the Majumdar Award was implemented. The company has not been able to advance any satisfactory explanation for this change except that it has urged that designations prior to the Majumdar Award were loosely used and that considering their duties the proper designation for these workmen was that of register keepers. I cannot accept this explanation. By Appendix XVI the representatives of both employers and employees before the All India Industrial Tribunal (Colliery Disputes) had agreed to classification of the Clerical staff working in the coal industry by designation and nomenclature and classification of the clerks into the three grades was to be made on the basis of their designations which the clerks bore on the date the Majumdar Award came into operation. In doing so the fact that designations were loosely used was taken into consideration. This is abundantly clear from the observations in paras 767 and 769 of the Majumdar Award and in paras 258 and 260 of the Labour Appellate Tribunal decision. I have in several previous awards held that under Appendix XVI of the Majumdar Award classification of a clerk into his proper grade is to be made on the basis of designations stated in Appendix XVI. As these two workmen admittedly were designated as Attendance Clerks on the date the Majumdar Award came into operation, they are entitled to be placed in Grade II for clerks. The Union has also produced the authorisation certificate dated 21st September, 1957 by which Shri D. K. Sen Gupta was authorised to work as Attendance Clerk from 1st May 1955. This is supported by the records of the company and I have no doubt that both those workmen namely D. P. Ambasta and D. K. Sen Gupta were designated and were working as attendance clerks and are entitled to be placed in grade II.

9. I would, therefore, hold on the first issue under reference that the management of Khas Karanpura colliery was not justified in designating Sarvashree D. P. Ambasta and D. K. Sen Gupta as Register Keepers while implementing the award of the All India Industrial Tribunal (Colliery Disputes) as modified by the decision of the Labour Appellate Tribunal of India and that they are entitled to be designated as Attendance Clerks and as such are entitled to the scale of pay for grade II clerks prescribed by the Majumdar Award.

10. The next question that falls for consideration is what relief these two workmen are entitled to. The union has claimed that they should be granted the benefit of the scale of pay prescribed for Grade II clerks namely the grade of Rs 48—3—57—4—93 from the date the Majumdar Award came into operation i.e. 28th May, 1956. Shri D. Narsingh, the learned Advocate for the management, in opposing this demand has argued that under the terms of the reference this Tribunal has no jurisdiction to grant the benefit to these two workmen retrospectively. He has urged that the benefit should only be granted prospectively and for that proposition he has relied upon two decisions of His Lordships P. B. Mukherji J. of the Calcutta High Court in the cases of the workmen of Bengal Electric Lamp Limited *Vs.* Bengal Lamp Works Limited [A.I.R. 1958 (Calcutta) p. 663 and 664] and Messrs. Rifle Factory Co-operative Society Ltd. *Vs.* 4th Industrial Tribunal, West Bengal, and other [A.I.R. 1959 (Calcutta) page 349]. In those two cases His Lordship held that an industrial Tribunal in exercise of its jurisdiction was bound by the terms of reference and that the jurisdiction of such Tribunal was confined to the actual points of dispute on the terms of reference and that normally the ordinary principle of construction should be followed and that prospective interpretation is to be preferred to a retrospective interpretation, unless the retrospective is expressly or by necessary implication implied. It is no doubt true that in the schedule to the order of reference which I have reproduced above, it is not stated from what date the relief should be granted. But in my opinion, the language of the schedule makes it quite clear that the benefit is to be granted from the date the Majumdar Award as modified by the decision of the Labour Appellate Tribunal was to be implemented. The first issue stated in the schedule is "whether the management of the Khas Karanpura colliery was justified in designating these three workmen as Register Keepers while implementing the award of the All India Industrial Tribunal (Colliery Disputes) as modified by the Labour Appellate Tribunal of India." The words "while implementing the award" by necessary implication means that the benefit could be granted from the date

the award was to be implemented. It must also be remembered that this colliery along with all the other collieries concerned in the dispute before the Majumdar Tribunal got the benefit of a higher selling price of coal because of their having to pay higher wages to their workmen as prescribed by that award, from the date the Majumdar Award came into force. The employers having got the benefit of higher selling price of coal from the date the Majumdar Award came into force cannot turn round and deny the benefit of the proper scales of pay to workmen whom they had deprived of the same. I therefore hold that under the terms of the reference I have jurisdiction to grant the benefit of Grade II scale of pay to D. P. Ambasta and D. K. Sen Gupta, with retrospective effect from the date the Majumdar Award was to be implemented i.e. from 26th May, 1956. I award that they shall get the benefit of the scale of pay prescribed for Grade II clerks by Majumdar Award as modified by the decision of the Labour Appellate Tribunal and all other consequent benefits with retrospective effect from 26th May, 1956. I further direct that the amount found due to them shall be paid to them within 15 days from the date of this award becomes enforceable.

11. As the claim for two out of three workmen has succeeded, I award Rs. 100 as costs in favour of the Union.

Dhanbad,

(Sd.) SALIM M. MERCHANT,
Central Industrial Tribunal, Dhanbad.
Presiding Officer,

Dated the 6th October, 1959.

[No. LRII-2(85)/59.]

New Delhi, the 19th October 1959

S.O. 2350.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to Messrs Bird & Company (Private) Limited and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD**

REFERENCE No. 40 of 1959

PARTIES

Messrs Bird & Company (Private) Limited.

AND

Their workmen.

Dhanbad, dated the 6th October 1959

PRESENT

Shri Salim M. Merchant, B.A.L.L.B., Presiding Officer.

APPEARANCES:

For the Employers—Shri S. S. Mukerjee, Advocate, with Shri P. K. Mitter, Chief Personnel Officer and Shri J. L. Sinha, Group Personnel Officer, for Messrs. Bird & Co. (P.) Limited.

For the workmen—Shri D. Narsingh, Advocate, with Shri S. Das Gupta, Secretary, Colliery Mazdoor Sangh.

INDUSTRY: Coal.

STATE: Bihar.

AWARD

The Government of India, Ministry of Labour & Employment, by Order No. LRII-2(176)/58 dated 22nd June 1959 was pleased in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (XIV of 47) to refer to me for adjudication the industrial disputes, between the parties above named, in respect of the matters specified in the following schedule to the said Order:—

SCHEDULE

“Whether Shri A. C. Mukherjee, Audit Clerk, working in the Siura Office of M/s. Bird & Co. (P.) Ltd., should be placed in clerical grade I under the Award of the All India Industrial Tribunal (Colliery Disputes), as modified by the Decision of the Labour Appellate Tribunal and if so from what date?”

2. This dispute was taken up for hearing on 17th August, 1959, when the union applied for an adjournment on the ground that it was moving the Government for amending the order of reference.

3. In its written statement dated 31st July, 1959 filed by the Chief Mining Engineer of Messrs. Barrakur Coal Co. Ltd. and Managing Agents Messrs. Bird & Co. (P.) Ltd. a preliminary objection has been urged that the present reference is void and not competent as no industrial dispute ever existed or exists between Messrs. Bird & Co. (P.) Ltd. and their workmen in respect of the matters specified in the schedule to the Government Order of reference or at all in as much as (1) Messrs. Bird & Co. (P.) Ltd. is not the owner of any colliery nor are they the employers of Shri A. C. Mukherjee, (2) that Messrs. Bird & Co. (P.) Ltd. are the Managing Agents of Messrs. Barrakur Coal Co. Ltd. and other limited concerns which are the owners of different collieries as also of engineering works, electric companies and other industrial establishments, (3) Messrs. Bird & Co. (P.) Ltd. has its office at Calcutta, where it has got its own employees and (4) that the Sijua Office where Shri A. C. Mukherjee works does not belong to Messrs. Bird & Co. (P.) Ltd. These arguments were also urged by Shri S. S. Mukherjee, at the hearing of this dispute on 3rd October, 1959.

3. The Colliery Mazdoor Sangh (hereinafter referred to as the union) in its statement of Rejoinder dated 12th August, 1959 has urged that the order of reference is valid and this Tribunal has jurisdiction to entertain this reference, as the employers had not taken this objection at the stage of the conciliation proceedings before the Conciliation Officer and are therefore now stopped from raising this objection. In support of this the union has relied upon the letter dated 7/9th May, 1958 which the Chief Mining Engineer of Bird & Co. (P.) Ltd. and P.W. Neilgers & Co. (P.) Ltd. had addressed to the Vice President of the Union in which it had on merits denied the claim of the union for Shri A. C. Mukherjee to be placed in the clerical grade I and in which he had not raised the contention that Shri A. C. Mukherjee was not an employee of Bird & Co. (P.) Ltd. as also to the failure report of the Conciliation Officer (Central) Dhanbad-I dated 2nd December, 1958, in which he had recorded that he had discussions in this dispute with the Chief Personnel Officer of Messrs. Bird & Co. (P.) Ltd., Shri P. K. Mitter, who had not then raised the objection that Shri A. C. Mukherjee was not an employee of Messrs. Bird & Co. (P.) Ltd. But I do not think that the failure of Messrs. Bird & Co. (P.) Ltd., at that stage to raise the present objection can be treated as their being stopped from raising this objection after the Government referred the dispute to adjudication. An industrial tribunal has jurisdiction to entertain an industrial dispute referred to it by Government under Section 10(1)(d) only when one in fact exists between the parties referred to in the order of reference. In the instant case the Government order of reference states the parties to the dispute as being "Messrs. Bird & Co. (P.) Ltd. and its workmen." Now, it is admitted that Messrs. Bird & Co. (P.) Ltd. are only the managing agents of the Barrakur Coal Co. Ltd. who own the coal mines, the central office of which is at Sijua and it is further admitted that Shri A. C. Mukherjee the workman with regard to whose proper classification into the clerical grade this dispute has been raised is an employee of Barrakur Coal Co. Ltd. It is further admitted that Messrs. Bird & Co. (P.) Ltd. has its office in Calcutta, where it has its own employees and that those workmen have not raised this industrial dispute. The Sijua office where A. C. Mukherjee works is owned by Messrs. Barrakur Coal Co. Ltd. who pay his wages and not Bird & Co. (P.) Ltd. It is thus clear that there is no industrial dispute between Messrs. Bird & Co. (P.) Ltd. and its workmen over the proper classification of Shri A. C. Mukherjee, who is not an employee of the former but of Messrs. Barrakur Coal Co. Ltd. It is therefore quite clear that there was not and is not any industrial dispute between Messrs. Bird & Co. (P.) Ltd. and its workmen in respect of the matter specified in the Schedule to the Government Order of reference. Therefore, what has been referred is not an industrial dispute between the parties mentioned in the Government Order of reference and it must be held that the order of reference is invalid and this Tribunal has no jurisdiction to entertain the same.

4. It was next argued by Shri D. Narsingh, the learned Advocate for the Union, that the reference should be read as implying that this industrial dispute is one between the "Employers in relation to Messrs. Bird & Co. (P) Ltd. and their workmen." But the short answer to this is that the Government Order of reference does not describe the parties as such. It is now well settled that the Tribunals must adjudicate upon the industrial dispute in terms of the Government order of reference, and besides in the instant case there is no warrant to make the additions, to the order of reference to alter the parties as suggested by Shri D. Narsingh.

5. Shri D. Narsingh, the learned Advocate for the union, relied upon the judgment of the High Court of Madras (Shri P. V. Rajamannar C. J. and Sri Ganapathi Pillai J.) in the case of the Working Journalist of the Tamil Nadu Vs. "Tamil Nadu" (1959-II-LLJ. p. 84) where the industrial dispute relating to the termination of services of two proof readers and the *bona fides* of transfer of one proof reader was sponsored by a Union of Journalists of which only the "working journalists" employed in the establishment were members (and not the other workmen). The reference by mistake read as if the dispute was between the workers (instead of the working journalists) and the management. The claim statement and the case before the Labour court were conducted by such union. No objection was taken by the management before the Labour Court regarding the mistakes in the reference. Further there was no proof that the mistake in the reference had caused any prejudice to the case of the management before the Labour Court. In the circumstances it was held by their Lordships of the High Court of Madras that the award of the Labour Court could not be quashed on the ground that the reference was of one dispute and the adjudication was of another entirely dispute. But the facts of the instant case can easily be distinguished. In the "Tamil Nadu's" case the mistake in the Government Order of reference was that whilst the industrial dispute raised was by a smaller group of employees namely the "working journalists" and the dispute as referred described it as being between all other employees and the management, the employers were common. Here Messrs. Bird & Co. (P.) Ltd., are admittedly not the employers. Besides, in the Madras case the objection was not taken before the Labour Court, but was urged for the first time before the High Court in a Writ Petition. Here, the objection is raised at the earliest opportunity, after the Government Order of reference was made, in the written statement of the management. Here the mistake in the Government Order of reference is likely to cause a material prejudice to a party who is not the employer of the workman concerned in the dispute and whose workmen have not raised any industrial dispute.

6. In the circumstances, I uphold the preliminary objection urged by Messrs. Bird & Co (P) Ltd. and hold that as there was not and is not any industrial dispute between it and its workmen over the claim relating to the proper classification of Shri A. C. Mukherjee, this reference is not valid and I have no jurisdiction to entertain the same.

7. No order as to costs.

SALIM M. MERCHANT.

Presiding Officer,

Central Government Industrial Tribunal, Dhanbad.

DHANBAD,

The 6th October, 1959.

[No. LRII-2(176)/58.]

ORDERS

New Delhi, the 7th October 1959

S.O. 2351.—Whereas the All Kerala Bank Employees' Union, Calicut have demanded payment of higher rates of dearness allowance to the employees of the Nedungad Bank Ltd., Kozhikode from the 1st January, 1958 consequent on the upgrading of the Bank from 'D' Class to 'C' Class with effect from that date under paragraphs 64 and 152 of the Award of the All India Industrial Tribunal (Bank Disputes), Bombay, constituted by the notification of the Government of India in the Ministry of Labour No. S.R.O. 35, dated the 5th January, 1952, as modified by the decision of the Labour Appellate Tribunal in the manner referred to in section 3 of the Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955);

And whereas the Central Government is of opinion that a difficulty or doubt has arisen as to the interpretation of paragraphs 64 and 152 of the said award in respect of the matter specified in the schedule hereto annexed:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby refers the said matter for decision to the Industrial Tribunal, Bombay constituted as an Industrial Tribunal, in this behalf by the notification of the Government of India in the Ministry of Labour and Employment No. LRII-10(130)/58-I, dated the 5th June, 1959.

SCHEDULE

Whether the increased dearness allowance payable to the employees of the Nedungadi Bank Ltd., consequent on its upgrading from 'D' Class to 'C' Class, should be further enhanced to allow for the rise of cost of living index during the half year ended 31st December, 1959.

[No. LRII-10(143)/58.]

New Delhi, the 15th October 1959

S.O. 2352.—Whereas the dispute between the parties specified in the Schedule hereto annexed was referred to the Industrial Tribunal, Nagpur, in the reference given in the said Schedule;

And whereas the services of Shri P. D. Vyas have ceased to be available;

Now, therefore, in exercise of the powers conferred by section 7 and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal at Madras of which Shri K. Ramaswami Gounder, shall be the Presiding Officer and refers the said dispute for adjudication to the said Industrial Tribunal.

THE SCHEDULE

| Parties to the dispute | No. of reference | Date of reference |
|---|------------------|-------------------|
| Metrathi Gypsum Mines, Udamalpet, Coimbatore district and other workmen represented by the Coimbatore District Mine Workers' Union, Singanallur P.O., Coimbatore. | S.O. 2598 | 8-12-58. |

[No. LRII-64(25)/58.]

New Delhi, the 17th October 1959

S.O. 2353.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited, New Delhi and their workmen in respect of the matters specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

SCHEDULE

Whether by virtue of the duties performed by Shri Bal Krishan Sharma in the Office of the District Manager, Delhi circle, of the Punjab National Bank Ltd., with effect from 28th November, 1956, he is entitled to a special allowance of Rs. 50/- per month prescribed in para 164(b) of the All India Industrial Tribunal (Bank Disputes) Award as modified by section 3 of the Industrial Disputes (Banking Companies) Decision Act, 1955; and whether he is entitled to confirmation in that post (in which he is working from 28th November 1956) and, if so, from what date?

[No. LR-II-10(140)/59.]

PYARE LAL GUPTA, Under Secy.

New Delhi, the 20th October 1959

S.O. 2354.—In pursuance of section 16 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government extends the period of appointment of Shri S. P. Jain as Actuary in the Employees' State Insurance Corporation with effect from the fore-noon of the 7th July, 1959 to the 29th September, 1959 (afternoon).

[No. F. HI-5(23)/59.]

S.O. 2355.—In exercise of the powers conferred by section 88 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts, for a further period of one year with effect from the 29th day of October, 1959, Sarvashri K. K. Basu and Vishnu Datt, employees of the offices of the Controllers of Defence Accounts, Mathura and Allahabad respectively, now on deputation with the Hindustan Housing Factory Private Limited, New Delhi, from the operation of the said Act, subject to the following conditions, namely:—

- (i) the aforesaid factory shall maintain a register showing the names and designations of the exempted employees; and
- (ii) notwithstanding this exemption, the exempted employees shall continue to receive such benefits under the said Act to which they might have qualified on the basis of contributions paid before the date of exemption.

[No. F. HI-6(160)/59.]

BALWANT SINGH, Under Secy.

CORRIGENDUM

New Delhi, the 19th October 1959

S.O. 2356.—In the Order of the Government of India, Ministry of Labour and Employment No. S.O. 2079, dated the 11th September, 1959, published at pages 2447-2449 of the Gazette of India, Part II, Section 3(ii), dated the 19th September, 1959, in the Agreement, in paragraph (i) specifying the matters in dispute, for

"28. Shri V. R. Komurlekar, clerk, Controller of Store's Department who" occurring after item 37, read

"38. The signalling staff of the Pilot Vessel be redesignated as 'Radio'".

[No. LR.IV.28(41)/59.]

A. L. HANNA, Under Secy.

ERRATUM

In Ministry of Labour and Employment notification No. LRII-10(143)/58, dated 7th October, 1959, published in the Gazette of India, Part II—Section 3(ii), dated 17th October, 1959 as S.O. 2292, the following correction is to be made:—

Page 2948, last line of Schedule of S.O. 2292—for "31st December 1959" read 31st December, 1957".

MINISTRY OF INFORMATION & BROADCASTING

New Delhi-2, the 17th October 1959

S.O. 2357.—It is hereby notified for general information that Shrimati S. Panandikar having tendered resignation of the membership of the Bombay Advisory Panel of the Central Board of Film Censors, the Central Government has accepted the same with effect from the 27th August, 1959.

[No. 11/2/59-FC.]

D. R. KHANNA, Under Secy.

New Delhi-2, the 15th October 1959

S.O. 2358.—In pursuance of clause (b) of sub-rule (2) of rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendment in the Schedule to the notification of the Government of India in the Ministry of Information and Broadcasting No. SRO. 618, dated the 28th February, 1957, namely:—

In Part I of the said Schedule, under the heading "Directorate of Advertising and Visual Publicity", against the entry "Posts on a scale of pay with a minimum of not less than Rs. 500/- p.m." in column 1, below the existing entries in columns 3 and 4, the following entries shall respectively be inserted. namely:—

3

4

Director of Advertising
and Visual Publicity.

(i) to (iii)

[No. 2/13/59-Advg.]

A. M. K. SWAMI, Under Secy.